

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

ELROY RICHMAN,

Plaintiff,

V.

VETERANS AFFAIRS HOSPITALS,

Defendant.

Civil No. : 18-2306

[Removal from Circuit Court, Shelby County, TN, Case No. CT-000857-18]

NOTICE OF REMOVAL FROM STATE COURT

The Defendant respectfully represents as follows:

1. The Department of Veterans Affairs, is the defendant in the above-captioned civil action which is pending in the Circuit Court of Tennessee for the 30th Judicial District at Memphis, Case No. CT-000857-18. The case has not been tried in that court. Copies of all process, pleadings, and orders in that state court action are attached to this Notice of Removal.
2. Defendant has not been served in this case because neither the Agency itself in Washington, D.C., nor the U.S. Attorney's Office for this District, nor the Attorney General have been served with a summons and copy of the complaint. The U.S. Attorney's Office became aware of the underlying Circuit Court case on April 5, 2018, after the Veterans Affairs Medical Center in Memphis received a summons and copy of the complaint. Fewer than 30 days have elapsed since

the receipt by the U.S. Attorney's Office of a copy of the initial pleading setting forth the claim for relief upon which this proceeding is based.

3. As a federal agency, the Department of Veterans Affairs may have state-court suits against it removed to federal court. *See* 28 U.S.C. § 1442(a)(1); *City of Cookeville v. Upper Cumberland Elec. Membership Corp.*, 484 F.3d 380, 388–89 (6th Cir. 2007).

In view of the foregoing, the Defendant prays that this action, pending in the state's Circuit Court in Memphis, Tennessee, be removed to this court.

Respectfully submitted,

D. Michael Dunavant
United States Attorney

By: /s/ David Brackstone
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CERTIFICATE OF SERVICE

I, David Brackstone, certify that a true and correct copy of the foregoing was served via first class mail, postage prepaid, upon Elroy Richman, Pro Se, 5823 Tam O'Shanter Avenue, Memphis, TN 38115, this 3rd day of May, 2018.

/s/ David Brackstone